

CLARKE COUNTY
PLANNING COMMISSION
MINUTES
2007 September 7 – 9:00 a.m.
BOARD OF SUPERVISORS MEETING ROOM

A regular meeting of the Planning Commission of Clarke County, Virginia was held at the County Circuit Courthouse, Berryville, Virginia, on Friday, 2007 September 7.

ATTENDANCE

Beverly McKay, Chair; Jay Arnold; Barbara Batterton; Anne Caldwell; Mary Daniel; A.R. Dunning, Jr.; Pat McKelvy; Cliff Nelson; Kathy Smart; and Bob Wade.

ABSENT

George L. Ohrstrom, II, Vice Chair

STAFF

Charles Johnston, Planning Administrator; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; Nancy Olin, Enforcement Officer; Debbie Bean, Recording Secretary.

CALL TO ORDER

Chair McKay called the meeting to order at 9: 07 a.m.

APPROVAL OF AGENDA

The Commission voted unanimously to approve the agenda as amended by adding a discussion regarding the proposed high school after the approval of the minutes.

Yes: Arnold (seconded), Batterton, Caldwell (moved), Daniel, McKay, McKelvy, Nelson, Smart, and Wade

No: No one

Absent: Dunning and Ohrstrom

APPROVAL OF MINUTES

The special work session meeting minutes for 2007 June 7 were unanimously approved.

Yes: Arnold, Batterton, Caldwell (seconded), Daniel, McKay, McKelvy, Nelson, Smart (moved), and Wade

No: No one

Absent: Dunning and Ohrstrom

The briefing minutes of 2007 July 3 were unanimously approved.

Yes: Arnold, Batterton (seconded), Caldwell (moved), Daniel, McKay, McKelvy, Nelson, Smart, and Wade

No: No one

Absent: Dunning and Ohrstrom

The regular meeting minutes of 2007 July 6 were unanimously approved with one grammatical correction.

Yes: Arnold, Batterton (seconded), Caldwell, Daniel, McKay, McKelvy (moved), Nelson, Smart, and Wade

No: No one

Absent: Dunning and Ohrstrom

The special meeting minutes of 2007 July 13 were unanimously approved.

Yes: Arnold (moved), Batterton, Caldwell, Daniel, McKay, McKelvy, Nelson, Smart (seconded), and Wade

No: No one

Absent: Dunning and Ohrstrom

The special meeting minutes of 2007 July 23 were unanimously approved.

Yes: Arnold, Batterton, Caldwell, Daniel, McKay, McKelvy (seconded), Nelson, Smart (moved), and Wade

No: No one

Absent: Dunning and Ohrstrom

The briefing minutes of 2007 August 13 were unanimously approved.

Yes: Arnold, Batterton, Caldwell (seconded), Daniel, McKay, McKelvy, Nelson (moved), Smart, and Wade

No: No one

Absent: Dunning and Ohrstrom

The special meeting minutes of 2007 August 16 were unanimously approved.

Yes: Arnold, Batterton, Caldwell, Daniel, McKay, McKelvy (moved), Nelson, Smart, and Wade (seconded)

No: No one

Absent: Dunning and Ohrstrom

Chair McKay distributed to the Planning Commission a copy of a letter from John Finnigan, Senior Project Manager with Brailsford and Dunlavey, representing the proposed High School. Georgiana Pardo, legal counsel for the High School and Chip Schutte, School Board member, were present to answer questions regarding the letter. Mr. Johnston briefly discussed the letter. He stated the Town has some issues regarding adding additional nutrient waste loads to the existing system. He stated that VDOT has questions regarding the entrance that need to be resolved.

Mr. Schutte stated he attended the meeting between the engineers and the Town and several formulas were proposed regarding the nutrient loadings issue, but legal counsel for the Town is currently on vacation and has not seen the proposals yet. He stated he believes the engineers will probably have the answers to these questions by the October 1st deadline.

Chair McKay thanked everyone for attending and said he is looking forward to a complete submittal.

REZONING / SPECIAL USE AMENDMENT – PUBLIC HEARING

National Capital Golf, LLC and Solstice, LLC (Scot Lessler, agent) requests approval of:

- a. a rezoning of an approximate .46 acre portion of Tax Map Parcel 17A1-A-1 from Forestal-Open Space-Conservation (FOC) to Rural Residential (RR), adjacent to the properties described below,**
- b. amendment of the Special Use for a Golf Course on Tax Map Parcel 17A1-A-1B to include:**
 - 1. the above referenced parcel to serve as a vegetated buffer,**
 - 2. the .26 acre Tax Map Parcel 17A1-30-1-1, zoned Rural Residential (RR), known as the “Terrace Area”,**
 - 3. the 1.57 acre Tax Map Parcel 17A1-A-1A, zoned Rural Residential (RR), containing the historic house known as “The Retreat”, to be used for:**
 - a. restaurant for golf course members and their guests with a maximum seating capacity of 74,**
 - b. meetings facilities with a maximum permanent design capacity of 149 people and,**
 - c. temporary facilities for special events for not more than 350 people;**
- c. amendment of the Site Plan for the above described uses on the above described parcels and the addition of covered cart barn behind the existing clubhouse;**

all located at or adjacent to 1492 Parker Road, Buckmarsh Magisterial District, zoned Rural Residential. SUP-07-02 RZ-07-02

Mr. Johnston explained this request. He gave a brief discussion regarding the layout of the property. He stated that the Virginia Health Department had an on-site review of the project's drain fields on September 2nd. Mr. Johnston stated the project surveyor had found conflicting information regarding the boundaries of the parcel being rezoned. Mr. Johnston asked that these conflicts be resolved before any action is taken. After discussion with staff and the Commission, Chair McKay asked for public comments.

Father Robert from Holy Cross Monastery was present to answer questions. Father Robert reviewed a letter he prepared to the Commission. He discussed the importance of peace and quiet around the Monastery.

Bill Collins, Chair and Chief Executive Officer of National Capital Golf, stated he agreed with Father Robert regarding the peace and tranquility of the river valley. He stated his aim is to maintain the peace and quiet of this area. He stated the desire is to restore the Retreat House and to use it as a clubhouse for members and the public. He said the area behind the House would be tented for outdoor weddings. He said no events would be held on the golf course side of the Retreat House. He stated there are approximately 60 events a year held in the existing pavilion on the golf course. He read a letter that he had prepared and gave copies to the Planning Commission.

Commissioner Dunning arrived at 10:00 a.m.

Jean Hess, President of Shenandoah Retreat Land Corporation, was present and stated that she has been a resident and worked at the Shenandoah Retreat since 1973. She stated that in all that time there has been a number of events there and that no one has ever complained about the noise. She said she feels this project will only enhance the community.

There being no further public comments, Chair McKay called for a motion.

The Commission voted unanimously to postpone action and continue the public hearing until the next regular meeting of the Commission on 2007 October 5, in order to allow time for the site plan committee to visit the proposed site and work with the applicant to identify appropriate noise levels and the number of events per year.
Yes: Arnold, Batterton, Caldwell, Daniel, Dunning, McKay, McKelvy (seconded), Nelson, Smart (moved) and Wade

No: No one

Absent: Ohrstrom

REZONING – PUBLIC HEARING

- a. William and Margaret Elliott request the Rezoning of Tax Map Parcel 30-A-10 from the Agricultural-Open Space-Conservation (AOC) to the Rural Residential (RR) Zoning District located at 1105 Bishop Meade Road, and**
- b. Clarke County Planning Commission will consider the rezoning of Tax Map Parcels 30-A-10A, 9, and 8 from the Agricultural-Open Space-Conservation (AOC) to the Rural Residential (RR) Zoning District located at 1133, 1161, and 1171 Bishop Meade Road. RZ-07-01**

Mr. Russell explained this request. He stated that members of the Planning Commission met on-site with the applicant to review the proposed rezonings. After discussion with staff and the Commission, Chair McKay asked for public comments.

There being no public comments, Chair McKay called for a motion.

The Commission voted unanimously to recommend to the Board of Supervisors approval of the requested and proposed rezonings.

Yes: Arnold, Batterton, Caldwell, Daniel, Dunning (seconded), McKay, McKelvy, Nelson, Smart (moved), and Wade

No: No one

Absent: Ohrstrom

SITE PLAN AMENDMENT – PUBLIC HEARING

The Clarke County School Board requests approval of an amendment to the Site Plan for Cooley Elementary School for the addition of a 7,000 sq ft gymnasium on Tax Map Parcel #13-A-61, located at 34 Westwood Road, zoned Agricultural-Open Space-Conservation, Longmarsh Magisterial District. SP-07-06

Mr. Johnston explained this request. He stated that the applicant is proposing the addition of a 7,000 square foot gymnasium on the southwest corner of the existing Cooley Elementary School. He said that no change to the design capacity of the school is proposed by this addition, therefore an amendment to the Special Use designation was not considered necessary. After discussion with the staff and Commission, Chair McKay asked for public comments.

Emily Rhodes, School Board member, stated the need for a gymnasium and urged the Planning Commission to approve this request.

Chip Schutte, School Board member, stated the need for this proposed gymnasium for the schools and the community.

Suzanne Donner, resident in the area, encouraged the Planning Commission to approve this request.

Planning Commissioner Caldwell complimented Gary Oates, the land surveyor for the proposed project, for doing an excellent job on this project. Chair McKay stated that this project was done the correct way.

There being no further public comments, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition that the remaining Town of Berryville and View Engineering comments are addressed.

Yes: Arnold, Batterton, Caldwell (moved), Daniel, Dunning (seconded) McKay, McKelvy, Nelson, Smart, and Wade

No: No one

Absent: Ohrstrom

MAJOR SUBDIVISION – PUBLIC HEARING

Richard and Dianne Kave request approval for a three-lot subdivision for Tax Map 6-((A))-34, located at 12354 Harry Byrd Highway, Longmarsh Magisterial District, zoned Agricultural-Open Space-Conservation (AOC). S-07-05

Mr. Russell explained this request. He stated that the resistivity tests have been conducted and approved by Dan Rom, the County's geotechnical engineer. He stated that VDOT has approved the entrances. He said that the Health Department has approved this proposal. He stated that the applicant has met all requirements of the

Subdivision and Zoning Ordinance for final plat approval on condition that a Deed of Dedication with road maintenance agreement is provided before the Zoning Administrator signs the survey plats. After discussion with staff and the Commission, Chair McKay asked for public comments.

Richard and Dianne Kave, the applicants, were present and stated they will do whatever is necessary to make this proposal correct.

There being no further public comments, Chair McKay called for a motion.

The Commission voted unanimously to approve this request on condition that the applicant provide a Deed of Dedication and road maintenance agreement before the Zoning Administrator signs the survey plats.

Yes: Arnold, Batterton, Caldwell, Daniel, Dunning, McKay, McKelvy, Nelson (seconded), Smart (moved) and Wade

No: No one

Absent: Ohrstrom

The Commission voted unanimously to request that the Board of Supervisors ask VDOT to do a study regarding the excess of median crossovers on four lane highways in the County.

Yes: Arnold, Batterton, Caldwell (moved), Daniel (seconded), Dunning, McKay, McKelvy, Nelson, Smart and Wade

No: No one

Absent: Ohrstrom

MINOR SUBDIVISION

Frank S. Pierson, Jr. and Amelia D. Bailey request approval for a two-lot subdivision for Tax Map 25-((A))-29B, located at Saw Mill Hill Road, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-07-04

Mr. Russell explained this request. He stated that the applicant has personal reasons for extending this request. He said his recommendation is to approve this request and if the applicant decides not to do the minor subdivision then the subdivision plat would not be signed and will be null and void.

The Commission voted to approve this request.

Yes: Arnold, Batterton (seconded), Daniel, Dunning (moved), McKay, McKelvy, Nelson, Smart and Wade

No: No one

Absent: Ohrstrom

Abstained: Caldwell

MINOR SUBDIVISION

Kenneth, John and Thomas Gilpin request approval for a two-lot subdivision for Tax Map 20-((A))-27, located in the 400 block of Gun Barrel Road, Greenway Magisterial District, zoned Agricultural-Open Space-Conservation (AOC) MS-07-09

Mr. Russell explained this request. He stated the applicant has met all the requirements of the Subdivision Ordinance for final plat approval. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to approve this request.

Yes: Arnold, Batterton, Caldwell, Daniel, Dunning (moved), McKay, McKelvy, Nelson, Smart (seconded) and Wade

No: No one

Absent: Ohrstrom

SPECIAL USE / SITE PLAN – SET PUBLIC HEARING

Valley Drilling (Dennis Singhas, owner) requests the approval of a Special Use and Site Plan for a special trade contractor limited to well drilling with maintenance building, office building and limited exterior storage area, located at 862 John Mosby Highway, Tax Map Parcel 39-((A))-44, Chapel Magisterial District, zoned Forestal-Open Space-Conservation (FOC). SUP-07-03

Mr. Russell explained this request. He stated that the subject property was an old saw mill that was discontinued 18 months ago. He stated that the applicant is proposing to put his well drilling business on this site. The applicant proposes to have a maintenance building, office building, and limited exterior storage area on the site. After discussion with staff and the Commission, Chair McKay called for a motion.

The Commission voted unanimously to set public hearing on this request for the next regular meeting of the Commission on 2007 October 5.

Yes: Arnold, Batterton, Caldwell, Daniel, Dunning (moved), McKay, McKelvy (seconded), Nelson, Smart and Wade

No: No one

Absent: Ohrstrom

SPECIAL USE / SITE PLAN – SET PUBLIC HEARING

Blue Ridge Custom Woodworks, (David Lockley, Agent)) requests approval of a Special Use and Site Plan for a custom woodwork shop containing 9,717 sq. ft. located at 468 Old Waterloo Road, Tax Map #21-((A))-52, Chapel Magisterial District, zoned Highway Commercial (CH). SUP-07-04

Mr. Russell explained this request. He stated that the applicant is requesting approval of a special use permit and site plan for a woodworking shop specializing in cabinets. He stated the property currently has 3 existing dwellings in which one will be demolished to make room for the shop. He stated that VDOT is still reviewing the area and should be completed by next month's meeting. He said that most of the Planning Commissioners have visited the site. After discussion with staff and the Commission, Chair McKay called for a motion.

Jeff Fanning, the applicant, and David Lee Lockley, the applicants engineer, were present, and answered questions from the Planning Commission.

The Commission voted unanimously to set public hearing for this request at the next regular meeting of the Planning Commission on 2007 October 5.

Yes: Arnold, Batterton, Caldwell, Daniel, Dunning (seconded), McKay, McKelvy (moved), Nelson, Smart and Wade

No: No one

Absent: Ohrstrom

REPORTS

Board of Supervisors – **Pete Dunning**

Commissioner Dunning stated that the Capital Improvement Program section of the Comprehensive Plan was approved at the 2007 August 21 Board of Supervisors meeting.

Sanitary Authority – **Pete Dunning**
Nothing to report.

Board of Septic & Well Appeals – **Pete Dunning**

Ms. Teetor stated that the next meeting is scheduled for 2007 September 27 at 9:00 a.m. in the Law Library of the Courthouse.

Board of Zoning Appeals – **Anne Caldwell**
Nothing to report.

Historic Preservation Commission – **Cliff Nelson**

Commissioner Nelson stated that the next meeting is scheduled for 2007 September 27 at 8:30 a.m. in the Board of Supervisors room.

Conservation Easement Authority – **Pat McKelvy**

Commissioner McKelvy stated that donations are continuing to come in from the latest newsletter. She stated that Ruth Marlow with the Times Courier wrote an excellent story about the Conservation Easement Authority.

Natural Resource Activities – **Alison Teetor**
Nothing to report.

Enforcement Officer – **Nancy Olin**

Ms. Olin's progress reports for 2007 June 26 thru 2007 July 24; and, 2007 July 25 thru 2007 August 27 were reviewed.

Other

Mr. Johnston stated that there is a Smart Growth conference scheduled for 2007 October 17 at the Holiday Inn in Martinsburg, West Virginia from 8:30 a.m. until 4:30 p.m. He said that he signed up for an audio conference on 2007 October 3 regarding LEED for Neighborhoods in the Board of Supervisors room at 4:00 p.m.

Commissioner Dunning commented on what a good job Commissioner Nelson is doing on the Planning Commission.

There being no further discussion, the meeting was adjourned at 11:30 a.m.

Beverly B. McKay, Chair

Charles Johnston, Clerk to the Commission

Minutes prepared by
Debra L. Bean, Recording Secretary